

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 25-CR-101-JFH

ALEXIS NICOLE ALVARENGA,

Defendant.

OPINION AND ORDER

Before the Court is an Unopposed Motion for Pretrial Determination of Indian Country Status (“Motion”) filed by the United States of America (“Government”). Dkt. No. 20. The Government seeks a determination that State Highway 88 and E 534 Rd in Rogers County, Oklahoma, approximate coordinates 36°14'38.291"N 95°33'22.406"W, is within the boundaries of the Cherokee Nation. *Id.* at 1. The Government represents that Defendant does not object to the Motion. *Id.*

A “district court can find, as a matter of law, a geographic area or particular location is Indian Country, and then instruct the jury to determine factually whether the offense occurred there.” *United States v. Roberts*, 185 F.3d 1125, 1139-40 (10th Cir. 1999). The party seeking to invoke the jurisdiction of a federal court must demonstrate by a preponderance of the evidence that the case is within the Court’s jurisdiction. *United States v. Bustillos*, 31 F.3d 931, 933 (10th Cir. 1994).

Here the Government submits for the Court’s review a map of the Cherokee Nation, showing that State Highway 88 and E 534 Rd in Rogers County, Oklahoma, approximate coordinates 36°14'38.291"N 95°33'22.406"W is within the Nation’s boundaries. Cherokee Nation Boundary Map (last accessed April 1, 2025),

<https://cherokee.maps.arcgis.com/apps/webappviewer/index.html?id=921f8793c9914a7792274f72441fad8d>. The Court finds this sufficient to demonstrate by a preponderance of the evidence that the location of the charged events is within Indian Country. A jury, however, will determine the factual question of whether anything of a criminal nature occurred at the State Highway 88 and E 534 Rd in Rogers County, Oklahoma, approximate coordinates 36°14'38.291"N 95°33'22.406"W.

IT IS THEREFORE ORDERED that the Unopposed Motion for Pretrial Determination of Indian Country Status filed by the United States of America at Dkt. No. 20 is GRANTED.

Dated this 13th day of May 2029.



JOHN F. HEIL, III
UNITED STATES DISTRICT JUDGE